

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**GREGORY GATES, individually, and on behalf)
of all others similarly situated,)**

Plaintiff,

V.

EAGLE FAMILY FOODS GROUP, LLC,

Defendant.

Case No. 1:20-cv-6525

Hon. Jorge L. Alonso

**PLAINTIFF'S MOTION TO STAY
PENDING RESOLUTION OF PLAINTIFF'S MOTION TO REMAND**

Plaintiff Gregory Gates, individually and on behalf of all others similarly situated, moves the Court to stay briefing on Defendant Eagle Family Foods Group, LLC's Motion to Dismiss the Complaint and, in the Alternative, to Require a More Definite Statement (D.E. 16) and Supplement to Defendant Eagle Family Foods Group, LLC's Motion to Dismiss the Complaint and, in the Alternative, to Require a More Definite Statement (D.E. 21) until the Court has ruled on Plaintiff's Motion and Memorandum in Support of Remand to State Court (D.E. 13). Plaintiff submits this Motion in lieu of a response to Defendant's motion to dismiss, and in support of thereof, states as follows:

1. Plaintiff filed his original Class Action Complaint in the Circuit Court of the Nineteenth Judicial Circuit, Lake County on July 27, 2020.

2. On November 3, 2020, Defendant untimely removed this action to the Northern District of Illinois. Defendant's untimely removal is the basis of Plaintiff's motion to remand, which was timely filed on December 3, 2020.

3. The Court entered an order (D.E. 14) on December 7, 2020 ordering Defendant to respond to Plaintiff's remand motion by December 28, 2020. Defendant's response deadline was subsequently extended to January 27, 2021. (D.E. 20.)

4. Should the Court grant Plaintiff's motion to remand, it will lack jurisdiction to rule on Defendant's motion to dismiss.

5. The Court "has broad discretion to stay proceedings as an incident to its power to control its own docket." *Clinton v. Jones*, 520 U.S. 681, 706 (1997); *see also Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936) ("[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants. How this can best be done calls for the exercise of judgment, which must weigh competing interests and maintain an even balance.").

6. Accordingly, in the interests of judicial economy, Plaintiff respectfully requests the Court stay briefing on Defendant's Motion to Dismiss the Complaint and, in the Alternative, to Require a More Definite Statement.

Date: January 22, 2021

Respectfully Submitted,

/s/ Haley R. Jenkins

Haley R. Jenkins

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ONE OF PLAINTIFF'S ATTORNEYS

CERTIFICATE OF SERVICE

I, the attorney, hereby certify that on January 22, 2021, I filed the attached with the Clerk of the Court using the ECF system, which will send such filing to all attorneys of record.

/s/ Haley R. Jenkins